

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 63-70 and 73-83 are pending in this application, with Claims 82 and 83 being independent. Claim 82 is amended herein to specify that the solid concentration is about 8 percent by weight based on the total weight of the ink, as shown in the Examples. Claim 83 is newly added. Applicant respectfully submits that no new matter has been added.

Claims 63-70 and 73-82 were rejected under 35 U.S.C. § 112, first paragraph. The Examiner acknowledges that the specification is enabling for a solid concentration of 8%, but takes the position that it does not provide enablement for any solids concentration of self-dispersing pigment and resin encapsulating a coloring material. Claims 63-70 and 73-82 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite, due to the phrase “at a certain solid concentration.” Without conceding the propriety of either of these rejections, to expedite prosecution, Applicant has amended independent Claim 82 to recite that the aqueous ink of the present invention comprises a self-dispersing pigment and a resin encapsulating a coloring material, both of which are dispersed in an aqueous medium at a solid concentration of about 8 percent by weight based on the total weight of the ink. Applicant respectfully submits that the rejections under § 112, first and second paragraphs, are moot in view of this amendment, and that the rejections should be withdrawn.

New Claim 83 is similar in scope to Claim 82, but it recites that the ink provides an image with an optical density equivalent to that produced by an ink which is the same as the aqueous ink except for containing the self-dispersing pigment as a sole colorant in

the same amount as the total amount of the self-dispersing pigment and the resin encapsulating a coloring material. Thus, it does not use the phrase "at a certain solid concentration." Accordingly, Applicant submits that Claim 83, also, is allowable.

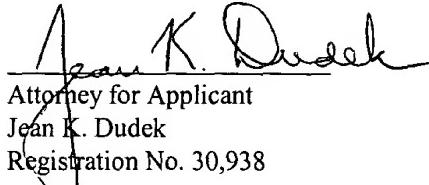
In view of the foregoing amendments and remarks, Applicant submits that independent Claims 82 and 83 are patentable. Applicant submits that the dependent claims also are patentable for the same reasons as independent Claim 82, and because they set forth additional aspects of the present invention. Separate and individual consideration of each dependent claim is respectfully requested.

Applicant also respectfully requests that this Amendment After Final be entered. This Amendment could not have been presented earlier as it was earnestly believed that the claims on file would be found allowable. Given the Examiner's familiarity with the application, Applicant believes that a full understanding and consideration of this Amendment would not require undue time or effort by the Examiner. Moreover, for the reasons discussed above, Applicant submits that this Amendment places the application in condition for allowance. At the very least, it is believed to place the application in better form for appeal. Accordingly, entry of this Amendment is believed to be appropriate and such entry is respectfully requested.

Applicant submits that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the February 26, 2003 Office Action, and issuance of an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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